

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KIMBERLY SCOTT,

Plaintiff,

vs.

SPOKANE COUNTY SHERIFF'S
OFFICE, and CHENEY POLICE
DEPARTMENT,

Defendants.

NO. CV-12-401-LRS

**ORDER OF DISMISSAL WITH PREJUDICE
AND IMPOSING A ONE-YEAR FILING BAR**

On June 1, 2012, the Court dismissed with prejudice the Plaintiff's amended complaint in Case No. CV-12-207-LRS. Immediately thereafter, on June 14, 2012, Plaintiff filed another complaint against the same Defendants. Plaintiff's new complaint in the above referenced case is also unintelligible and fails to meet the pleading requirements of Federal Rules of Civil Procedure 8 and 9. It is appropriate to dismiss a complaint with prejudice "where leave to amend has previously been given and the successive pleadings remain prolix and unintelligible." *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2nd Cir.1988); *Prezzi v. Schelter*, 469 F.2d 691, 692 (2d Cir.1972) (per curiam) (final dismissal appropriate where complaint was "a labyrinthine prolixity of unrelated and vituperative charges that defied comprehension" and amended complaint failed to cure defect). While this Court notes that dismissal of a Plaintiff's claim is

1 strongly disfavored, it is also true that the not insubstantial burden
2 on judicial resources by such poorly articulated and frivolous claims
3 may detract from the proper attention other meritorious claims
4 deserve.

5 The Court finds a one-year filing bar is appropriate for Ms.
6 Scott's frivolous-filing activity. See *DeLong v. Hennessey*, 912 F.2d
7 1144, 1147-48 (9th Cir. 1990) (identifying the factors for the court to
8 consider before entering a filing bar). Plaintiff Kimberly Scott is
9 enjoined, without prior leave of Court, from filing any future lawsuit
10 in the Eastern District of Washington United States District Court
11 against the above-referenced Defendants until June 20, 2013.

12 For the reasons given above, **IT IS ORDERED:**

13 1. The complaint filed by Plaintiff is dismissed with prejudice
14 and the file shall be **CLOSED**.

15 2. Plaintiff Kimberly Scott is enjoined, without prior leave of
16 Court, from filing any future lawsuit in the Eastern District of
17 Washington United States District Court against Defendants Spokane
18 County Sheriffs and Cheney Police Department until June 20, 2013.

19 3. Failure to adhere to this one-year filing bar could subject
20 Plaintiff to sanctions, including civil and/or criminal contempt.

21 **IT IS SO ORDERED.** The District Court Executive is directed to
22 provide copies of this Order to the parties and close the file.

23 **DATED** this 20th day of June, 2012.

24
25 ***s/Lonny R. Suko***

26 _____
27 LONNY R. SUKO
28 UNITED STATES DISTRICT JUDGE